

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 177

(Delegate McKay, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

**Killing or Wounding Black Bears - Penalties - Exemption for Protection of
Managed Honey Bee Colonies**

This bill authorizes a person to kill or wound a black bear in defense of the person's honey bees in a bee colony that is managed by the person if the person has (1) contacted the Department of Natural Resources (DNR) to receive an electric fence and (2) installed and properly maintained the electric fence.

The bill takes effect June 1, 2017.

Fiscal Summary

State Effect: No material fiscal impact is expected in FY 2017. General fund expenditures for DNR increase by an estimated \$22,000 annually beginning in FY 2018 to purchase permanent electric fencing for bee colony owners. Revenues are not affected.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	22,000	22,000	22,000	22,000	22,000
Net Effect	(\$22,000)	(\$22,000)	(\$22,000)	(\$22,000)	(\$22,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: A person must have a hunting license and a black bear hunting permit in order to hunt black bears in the State. A black bear hunting permit enables the purchaser to hunt black bears in the State, subject to certain restrictions and requirements. The black bear hunting permit is only available through the Maryland Black Bear Lottery process, and each applicant must pay a \$15 nonrefundable application fee. The permit is valid for the black bear hunting season, which, during the 2016 hunting season, was October 24 through October 27 in Allegany, Frederick, Garrett, and Washington counties. Only one black bear may be harvested by a permittee for the season.

Generally, first-time offenders of provisions related to killing or wounding a black bear are subject to a fine of up to \$1,500 and imprisonment for up to six months; second-time offenders are subject to a fine of up to \$2,000 and imprisonment for up to one year. Under the general wildlife penalties in the Natural Resources Article, Natural Resources Police (NRP) officers may seize any bear unlawfully caught, sold, offered for sale, transported, or possessed. DNR may dispose of any seized animal at the department's discretion. Further, NRP officers may seize any device, equipment, conveyance, or property unlawfully used. However, a person who kills or wounds a black bear in defense of his/her own life, the lives of other individuals, or the lives of animals on the individual's property is not subject to any penalties.

There is a Black Bear Damage Reimbursement Fund within DNR that is used to reimburse farmers for bear damage to agricultural products and livestock. Reimbursable damages include damage to a person's beehives, fruit, or other crops, as well as damage to livestock and poultry. A person is eligible for reimbursement if (1) he/she has followed all black bear damage preventative measures recommended by DNR; (2) the damage amount is determined by a specified agent; and (3) DNR has verified that the damage was caused by a black bear. Subject to available funding, a person may be reimbursed in an amount not less than \$200 or more than \$3,000 per year.

Background: Maryland has a breeding population of black bears in the four westernmost counties (Allegany, Frederick, Garrett, and Washington counties), with the highest bear densities found in Garrett and western Allegany counties.

DNR has information available on its [website](#) with recommendations on how to "live with black bears" including [information](#) specific to beekeepers. The primary recommendation to beekeepers related to beehive safety is to protect the hive before any damage occurs so that the bear does not know there is available food. A beekeeper can protect a beehive by installing an electric fence around the beehive. DNR advises that the department receives an average of 6 reports of damage to bee colonies annually. Since 2006, this number has ranged from 2 to 17. Any bee colony sustaining damage of at least \$200 is eligible for

some compensation from the Black Bear Damage Reimbursement Fund. DNR reports that approximately two claims are filed by beekeepers each year.

DNR further advises that, in an effort to reduce bear damage to bee colonies, if an owner has experienced damage to a bee colony, DNR temporarily provides a portable electric fence until the bee colony owner purchases and installs his/her own electric fence. DNR advises that the Wildlife and Heritage Service owns four portable electric fence kits which are provided to bee colony owners for free on a temporary basis. According to DNR, most beekeepers use their own electric fencing to protect their bee colonies and hives from black bears. DNR advises that the cost of electric fencing equipment necessary to protect a bee colony from bear damage can range from \$100 to \$300, with the cost of a decent permanent electric fence totaling approximately \$220.

State Fiscal Effect: General fund expenditures for DNR increase by an estimated \$22,000 annually beginning in fiscal 2018 to purchase permanent electric fences for bee colony owners who request them as a result of the bill. This estimate assumes that 100 fences are requested annually in the four Maryland counties where bears exist, and that each fence costs \$220. Costs increase if DNR provides solar-powered fences.

The bill may also have an operational impact on DNR to the extent that NRP officers must investigate additional cases regarding the legality of killing or wounding of a black bear in defense of a bee colony. Although DNR advises that these cases take several hours of investigation, any increase in workload for NRP can be handled with existing resources.

The bill's change to the applicability of existing penalty provisions is not anticipated to materially affect State finances.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources; Department of Legislative Services

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